

REMARKS

Claims 40, 42 and 47-50 are amended herein. Upon entry of this amendment, claims 40-51 will be pending.

Claim 40 is amended to further distinguish over the prior art, including Perzon and Fukushima et al. cited in the Office action of March 23, 2007. In particular, claim 40 is amended to state that applicant's food product server includes a cabinet (e.g., 5 in Figs. 1 and 2) having a recess (e.g., 23 in Fig. 2) for supporting one or more food serving pans (e.g., 27) for holding food products, and further that the first and second power assist devices are mounted such that they do not extend into the recess as the breath guard is moved between its raised and lowered positions, as is evident from Figs. 3A-3C. There are several advantages to this arrangement. First, food from the pans cannot spill down onto the power assist devices. Also, clear and unobstructed access to the walls of recess is provided, making them easy to clean. This is important in a food service environment where sanitary conditions are required. Further, the length of the recess (and thus the overall length of the cabinet) is reduced, since there is no need to provide extra room in the recess for the power assist devices.

In sharp contrast, the power assist devices in Fukushima extend down into the recess of the cabinet. This prior art arrangement is not desirable in a food service system, since the devices collect debris and make cleaning of the recess walls more difficult. Also, since food pans come in standard dimensions, extra room must be added to the length of the recess to accommodate the power assist devices, thus increasing the overall length of the cabinet. It is apparent, therefore, that applicant's claimed design represents a substantial and non-obvious improvement over Fukushima.

The other prior art of record similarly fails to teach applicant's invention as defined by amended claim 1. Accordingly, claim 1 as amended is submitted to be allowable over the prior art.

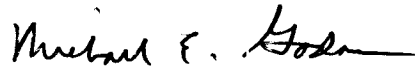
Claims 41-51 depend, either directly or indirectly, from claim 40 and are submitted to be allowable for at least the same reasons as claim 1. Further, the dependent claims cite additional features not shown or suggested by the prior art. By way of example but not limitation, claim 42 is directed to a specific arrangement for mounting the power assist devices so that they do not extend into the recess, noting particularly the first power assist device has connections with the cabinet and the breath guard and the second power assist device has connections with the breath guard and one of the upright side frame members of a frame mounted on the cabinet. This arrangement is illustrated in Figs. 3A-3C and further distinguishes over the Fukushima reference, the abstract and drawings of which disclose no frame mounted on the cabinet. Claim 43 is even more specific as to the structure of the power assist devices and how they are connected to the system.

CONCLUSION

The Commissioner is hereby authorized to charge a two-month extension of time fee in the amount of \$450 to Deposit Account No. 19-1345. The Commissioner is also authorized to charge any underpayment or credit any overpayment to Deposit Account No. 19-1345.

In view of the foregoing, favorable consideration and allowance of this application is requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael E. Godar". The signature is fluid and cursive, with a long horizontal stroke at the end.

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